

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ARTURO ANAYA,

Petitioner,

v.

No. 16-cv-0331 RJ/SMV

**TIMOTHY HATCH and
ATTORNEY GENERAL OF THE STATE OF NEW MEXICO,**

Respondents.

ORDER TO ANSWER

The Court having entertained this habeas corpus proceeding pursuant to 28 U.S.C. § 2254, *see* 28 U.S.C. § 2254 R.4, and the Court having determined that the petition is not subject to summary dismissal;

IT IS THEREFORE ORDERED that the Clerk forward copies of this Order and the petition and supporting papers and exhibits, if any, to Respondents;

IT IS FURTHER ORDERED that Respondents answer the petition within 30 days of entry of this Order. Respondents' answer must advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. Respondents must attach to their answer copies of any filing pertinent to the issue of exhaustion that was filed by Petitioner in the sentencing court, the state district court, the state court of appeals, and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those filings. Respondents must also attach to the answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. The answer must describe the procedural history of

each claim that Respondents contend is unexhausted and identify the State procedures that are currently available to Petitioner.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge